

Message Text

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ACTION SS-25

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TO SECSTATE WASHDC PRIORITY 919
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S E C R E T SECTION 1 OF 2 GENEVA 7641

EXDIS USSALTTWO

C O R R E C T E D C O P Y FOR SECTION INFO ADDED

EO 11652: XGDS-1
TAGS: PARM
SUBJ: AMBASSADOR EARLE'S STATEMENT OF SEPT 7, 1977 (SALT TWO-1385)

THE FOLLOSWING IS STATEMENT DELIVERED BY AMBASSADOR EARLE AT
THE SALT TWO MEETING OF SEPTEMBER 7, 1977:

MR MINISTER:

I

TODAY I WILL OUTLINE A PROPOSAL DESIGNED TO RESOLVE
THE REMAINING DIFFERENCES BETWEEN THE TWO SIDES RE-
GARDING THE PROVISIONS OF ARTICLE XVI.

II

IN ITS STATEMENT OF AUGUST 16, THE SOVIET DELEGATION
EXPRESSED THE VIEW THAT VERIFICATION WAS ONE OF THE MOST
IMPORTANT ISSUES INVOLVED IN THE NEW AGREEMENT BEING
WORKED OUT, BECAUSE ENSURING CONFIDENCE THAT THE LIMITA-
TIONS BEING ESTABLISHED ARE STRICTLY COMPLIED WITH IS AN
IMPORTANT FACTOR FOR THE STABILITY OF THE NEW AGREEMENT.
THE UNITED STATES SHARES THIS VIEW. IT IS FOR THIS REASON

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THAT THE UNITED STATES HAS TAKEN THE POSITION THAT THE
OBLIGATION IN ARTICLE XVI NOT TO USE DELIBERATE CONCEALMENT
MEASURES MUST APPLY TO ACTIVITIES ASSOCIATED WITH TESTING.
IT IS DURING THE TESTING PHASE THAT MANY OF THE DIS-
TINCTIONS WHICH ARE IMPORTANT TO VERIFYING COMPLIANCE
WITH THE PROVISIONS OF THE NEW AGREEMENT MUST BE MADE.

IN THIS CONTEXT, THE UNITED STATES DELEGATION OTES

THE SOVIET STATEMENT OF JUNE 29, WHICH READS IN PART, "THE EXCHANGE OF VIEWS HELD, IN THE DRAFTING GROUP IN PARTICULAR, SHOWS THAT THERE IS MUTUAL UNDERSTANDING BETWEEN THE SIDES TO THE EFFECT THAT THE PROVISIONS OF ARTICLE XVI, PARAGRAPH 3, AND THE AGREED STATEMENT BEING WORKED OUT IN CONNECTION THEREWITH APPLY TO ALL THE PROVISIONS OF THE DRAFT, INCLUDING THE PROVISIONS ASSOCIATED WITH TESTING." A SIMILAR STATEMENT WAS MADE BY THE SOVIET DELEGATION AT THE JULY 8 PLENARY MEETING. IN ADDITION, THE UNITED STATES DELEGATION NOTES THE SOVIET PROPOSAL FOR AN AGREED STATEMENT IN WHICH THE SIDES WOULD AGREE NOT TO USE MEASURES AIMED AT CONCEALING THE ASSOCIATION BETWEEN ICBMS AND LAUNCHERS DURING TESTING.

IN LIGHT OF THESE SOVIET STATEMENTS AND THIS SOVIET PROPOSAL, AS WELL AS THE REST OF THE NEGOTIATING HISTORY OF THIS SUBJECT, THE UNITED STATES PROPOSES THAT THE SIDES RESOLVE THE EXISTING DIFFERENCES REGARDING ARTICLE XVI IN THE FOLLOWING MANNER.

PARAGRAPHS 1 AND 2 OF ARTICLE XVI ARE ALREADY AGREED AND WOULD REMAIN UNCHANGED.

PARAGRAPH 3 OF ARTICLE XVI WOULD BE AMENDED TO READ:

3. EACH PARTY UNDERTAKES NOT TO USE DELIBERATE CONCEALMENT MEASURES WHICH IMPEDE VERIFICATION BY NATIONAL TECHNICAL MEANS OF COMPLIANCE WITH THE PROVISION OF THIS AGREEMENT. THIS OBLIGATION SHALL NOT REQUIRE CHANGES IN CURRENT
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CONSTRUCTION, ASSEMBLY, CONVERSION, OR OVERHAUL PRACTICES.

THE FIRST AGREED STATEMENT TO PARAGRAPH 3 OF ARTICLE XVI WOULD BE AMDED TO READ:

THE PARTIES AGREED THAT DELIBERATE CONCEALMENT MEASURES, AS REFERRED TO IN PARAGRAPH 3 OF ARTICLE XVI, ARE MEASURES CARRIED OUT DELIBERATELY TO HINDER OR DELIBERATELY TO IMPEDE VERIFICATION BY NATIONAL TECHNICAL MEANS OF COMPLIANCE WITH THE PROVISION OF THE AGREEMENT.

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THE SECOND AGREED STATEMENT TO PARAGRAPH 3 OF
ARTICLE XVI, WHICH REFERS TO THE TESTING OF PENETRATION
AIDS, IS ALREADY AGREED AND WOULD REMAIN UNCHANGED.

AS A PART OF THIS PROPOSAL, THE SIDES WOULD ADOPT
THE FOLLOWING COMMON UNDERSTANDING:

THE SIDES AGREED THAT THE NEGOTIATING RECORD
REFLECTS THE COMMON UNDERSTANDING THAT THE PROVI-
SIONS OF PARAGRAPH 3 OF ARTICLE XVI AND THE FIRST
AGREED STATEMENT THERETO APPLY TO ALL PROVISIONS
OF THE AGREEMENT, INCLUDING PROVISIONS ASSOCIATED
WITH TESTING, AND TO DELIBERATE CONCEALMENT MEA-
SURES ASSOCIATED WITH TESTING, INCLUDING MEASURES
AIMED AT CONCEALING THE ASSOCIATION BETWEEN ICBMS
AND LAUNCHERS DURING TESTING.

DESPITE ITS WILLINGNESS TO CHANGE THE TEXT OF PARA-
GRAPH 3 OF ARTICLE XVI IN THE MANNER INDICATED, THE
UNITED STATES CONTINUES TO BELIEVE THAT BOTH SIDES HAVE
AN INTEREST IN PROVIDING FOR THE CONSIDERATION OF SITU-
ATIONS IN WHICH THE ACTIVITIES OF EITHER SIDE UNINTEN-
TIONALLY IMPEDE VERIFICATION BY NATIONAL TECHNICAL MEANS.
AS YOU WILL NOTE, THE UNITED STATES, IN THE CONTEXT OF
THE OVERALL PROPOSAL BEING MADE TODAY, IS PREPARED TO
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WITHDRAW ITS PREVIOUSLY PROPOSED THIRD SENTENCE FOR
PARAGRAPH 3. IN ITS STEAD, THE UNITED STATES PROPOSES
THAT THERE BE A NEW SUBPARAGRAPH ADDED TO ARTICLE XVIII,
TO FOLLOW SUBPARAGRAPH 2(C), WHICH WOULD PROVIDE THAT IN
THE FRAMEWORK OF THE STANDING CONSULTATIVE COMMISSION,
THE PARTIES WILL:

CONSIDER QUESTIONS INVOLVING THE USE OF MEASURES
WHICH UNINTENTIONALLY IMPEDE VERIFICATION BY NATIONAL
TECHNICAL MEANS OF COMPLIANCE WITH THE
PROVISIONS OF THIS AGREEMENT.

FINALLY, IN THE CONTEXT OF THIS OVERALL PROPOSAL, I

WISH TO REAFFIRM THAT THE UNITED STATES CONTINUES TO REGARD AS UNACCEPTABLE ANY PROPOSAL TO EXEMPT METHODS OF TRANSMITTING TELEMETRIC INFORMATION DURING TESTING FROM THE OBLIGATION NOT TO USE DELIBERATE CONCEALMENT MEASURES.

III

MR. MINISTER, WE LOOK FORWARD TO THE RESPONSE OF THE SOVIET DELEGATION TO THIS OVERALL PROPOSAL FOR THE SOLUTION OF THE EXISTING DIFFERENCES REGARDING ARTICLE XVI.

ARTICLE XVI

1. IFOR THE PURPOSE OF PROVIDING ASSURANCE OF COMPLIANCE WITH THE PROVISIONS OF THIS AGREEMENT, EACH PARTY SHALL USE NATIONAL TECHNICAL MEANS OF VERIFICATION AT ITS DISPOSAL IN A MANNER CONSISTENT WITH GENERALLY RECOGNIZED PRINCIPLES OF INTERNATIONAL LAW.

2. EACH PARTY UNDERTAKES NOT TO INTERFERE WITH THE NATIONAL TECHNICAL MEANS OF VERIFICATION OF THE OTHER PARTY OPERATING IN ACCORDANCE WITH PARAGRAPH 1 OF THIS ARTICLE.

3. EACH PARTY UNDERTAKES NOT TO USE DELIBERATE CONCEALMENT MEASURES WHICH IMPEDE VERIFICATION BY NATIONAL TECHNICAL MEANS OF COMPLIANCE WITH THE PROVISIONS OF THIS AGREEMENT. THIS OBLIGATION SHALL NOT REQUIRE CHANGES IN SECRET

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CURRENT CONSTRUCTION, ASSEMBLY, CONVERSION, OR OVERHAUL PRACTICES.

AGREED STATEMENTS TO PARAGRAPH 3 OF ARTICLE XVII

THE PARTIES AGREE THAT DELIBERATE CONCEALMENT MEASURES, AS REFERRED TO IN PARAGRAPH 3 OF ARTICLE XVI, ARE MEASURES CARRIED OUT DELIBERATELY TO HINDER OR DELIBERATELY TO IMPEDE VERIFICATION BY NATIONAL TECHNICAL MEANS OF COMPLIANCE WITH THE PROVISIONS OF THE AGREEMENT.

THE PARTIES AGREE THAT THE OBLIGATION NOT TO USE DELIBERATE CONCEALMENT MEASURES, PROVIDED FOR IN PARAGRAPH 3 OF ARTICLE XVI, DOES NOT PRECLUDE THE TESTING OF ANTI-MISSILE DEFENSE PENETRATION AIDS.

COMMON UNDERSTANDING TO PARAGRAPH 3 OF ARTICLE XVI

THE SIDES AGREE THAT THE NEGOTIATING RECORD REFLECTS THE COMMON UNDERSTANDING THAT THE PROVISIONS OF PARAGRAPH 3 OF ARTICLE XVI AND THE FIRST AGREED STATEMENT THERETO APPLY TO ALL PROVISIONS OF THE AGREEMENT, INCLUDING PROVISIONS ASSOCIATED WITH TESTING, AND TO DELIBERATE CONCEALMENT MEASURES ASSOCIATED WITH TESTING, INCLUDING MEASURES AIMED AT CONCEALING THE ASSOCIATION BETWEEN ICBMS AND LAUNCHERS DURING TESTING.

NEW SUBPARAGRAPH 2(D) OF ARTICLE XVIII

D) CONSIDER QUESTIONS INVOLVING THE USE OF MEASURES WHICH UNINTENTIONALLY IMPEDE VERIFICATION BY NATIONAL TECHNICAL MEANS OF COMPLIANCE WITH THE PROVISIONS OF THIS AGREEMENT.

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